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In re Application of  
Li *et al*  
U.S. Application No.: 10/528,765  
PCT No.: PCT/EP2003/010410  
Int. Filing Date: 18 September 2003  
Priority Date: 25 September 2002  
Attorney Docket No.: 0WSAG0107PUSA  
For: TWO-LAYER LTO TEMPERATURE  
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**DECISION**

This decision is in response to applicants' "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)" filed 18 September 2006.

**BACKGROUND**

On 18 July 2006, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants failed to satisfy item (2) of 37 CFR 1.47(a). Applicants were given two months to respond.

On 18 September 2006, applicants filed the renewed petition which was accompanied by, *inter alia*, a declaration of James W. Procia and a copy of an email dated 22 November 2005.

**DISCUSSION**

As previously noted, a petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor.

Items (1), (3) and (4) of 37 CFR 1.47(a) were completed in the initial petition.

Regarding item (2), the 37 CFR 1.47(a) claims that joint inventor, Jin-Xing Li cannot be located. In the initial petition, applicant submitted evidence that they attempted to locate the nonsigning inventor by contacting the former employer of Mr. Li.

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However, petitioner did not provide a statement of facts (by the person having firsthand knowledge) outlining the steps taken to locate the whereabouts of the nonsigning inventor. Moreover, there was no evidence that a search of phone or internet records was even attempted to locate Mr. Li.

In the renewed petition, the 37 CFR 1.47(a) applicant has submitted a declaration of James W. Proscia who claims that he attempted to send a copy of the declaration and assignment to the last known address of the nonsigning inventor. Mr. Proscia states that "[d]elivery of these items was not successful." No documentary evidence of this claim was submitted in the renewed petition.

Mr. Proscia also claims that he attempted to locate the address of the nonsigning inventor using the internet but was unsuccessful. A yellow page search based in Singapore was cited. Petitioners also used three U.S. based people finder websites. However, petitioners again submitted no documentary evidence to substantiate this account.

This is still insufficient. To demonstrate that a diligent effort was made to locate the nonsigning inventor. Copies of all documentary evidence, including internet searches and postal receipts should be filed to meet the requirements of section 409.03(d) of the MPEP. Moreover, the use of a yellow page directory to locate an individual instead of a white page directory is also questioned. Item (2) of 37 CFR 1.47(a) is still not satisfied.

### **CONCLUSION**

For the reasons discussed above, applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

  
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